

**FLATHEAD COUNTY PLANNING BOARD
MINUTES OF THE MEETING
APRIL 11, 2018**

CALL TO ORDER <i>6:00 pm</i>	A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. at South Campus Building, 40 11 th Street W, Ste. 200, Kalispell, Montana. Board members present were Greg Stevens, Sandra Nogal, Mike Horn, Ron Schlegel, Kevin Lake, and Jim Thompson. Jeff Larsen and Dean Sirucek had an excused absence. Mark Mussman, Rachel Ezell, Erik Mack, Kari Nielsen, and Donna Valade represented the Flathead County Planning & Zoning Office. There were 84 members of the public in attendance.
APPROVAL OF MEETING MINUTES <i>6:02 pm</i>	Schlegel made a motion, seconded by Lake, to approve the March 14, 2018 meeting minutes. Minutes were approved on a roll call vote.
PUBLIC COMMENT <i>(Public matters that are within the jurisdiction of the Board 2-3-103 M.C.A)</i> <i>6:03 pm</i>	None
BIGFORK CENTER FOR THE PERFORMING ARTS FOUNDATION, LTD ZONE CHANGE (FZC-18-03) <i>6:04 pm</i>	A zone change request from Walter Kuhn, on behalf of the Bigfork Center for the Performing Arts Foundation, Ltd., for property located within the Bigfork Zoning District. The proposal would change the zoning on five (5) parcels containing approximately .75 acres from CVR (Commercial Village Resort) to B-3 (Community Business).
STAFF REPORT <i>6:05 pm</i>	Valade reviewed staff report FZC-18-03 for the board.

**BOARD
QUESTIONS**
6:07 pm

Nogal addressed the written comment that was received and asked the staff to explain the concern. Valade explained that it was regarding the rules of the property vs. the final proposed project. The letter was concerning the final project.

**APPLICANT
PRESENTATION**
6:08 pm

Walter Kuhn, 300 Bridge St., reviewed the reasons for the application, reiterated the need for parking, and sought to put to rest several rumors which had surfaced that he was in negotiations with a developer to build a possible commercial structure with some reserved parking spaces. He was not opposed to possibly working with a developer for a parking structure if one came forward who shared his vision, however, there was no such developer or plans at this time.

**BOARD
QUESTIONS**
6:15 pm

None

**AGENCY
COMMENTS**
6:16 pm

There were no agencies present to comment. At the request of Stevens, Valade read the written agency comments.

**PUBLIC
COMMENT**
6:17 pm

Shelley Gonzales, 4747 Foothill Rd., was a member of BLUAC but was here as an individual of Bigfork. She said Bigfork was in favor of finding parking but was concerned that if the zone change was granted then a parking structure might be placed there. They were supportive of a surface parking lot but not in support of a multi structure parking lot.

Chris Hall, 115 W. Evergreen Dr., spoke in favor of adding parking and felt like it was needed in every town in the valley due to the growth of the valley.

Susan Johnson, 474 Electric Ave, thanked the applicant for clarifying that there was not going to be a large multi-structure parking.

Paul Mutascio, 320 Swan Meadow Drive, identified himself as a president of the Community Foundation of a Better Bigfork. He said he had worked with the applicant to find parking. He said the parking lot would almost double the parking available in Bigfork and would be an economical benefit. He said that the commitment has always been for stand-alone parking. He said the rest were rumors and a lack of detail on BLUAC's end. He said parking was something that was very important for the community and he had not heard any opposition until this meeting.

Jerry Johnson, 425 Grande Ave., spoke in favor of the application. He owned a business in downtown Bigfork and said that it was needed.

Susan Keenan, 200 McDowell, spoke in favor of the application and said that

it was a great way for the community to move forward. She was in favor of it as the owner of Bigfork Inn, a downtown community member, and as the President of Bigfork Center for the Performing Arts Foundation.

Gary Hodges, 240 Bridge Street, requested that there be a recommendation or a condition added that there would not be a multi structure parking allowed on the property.

**APPLICANT
REBUTTAL/
COMMENTS
6:27 pm**

Kuhn reaffirmed that there were no current plans for a multi structure parking unit. He did not feel like a parking structure would fit in Bigfork, however, if a developer came in with a plan for a tasteful structure and it would take the financial burden off of Bigfork Performing Center of Arts, it would be hard to turn down.

**STAFF
REBUTTAL/
COMMENTS
6:29 pm**

Valade said that conditions were not permitted with B-3 zoning on a zone change such as this one. She also noted that the maximum height for CVR and B-3 zoning was 35 feet, from the natural grade.

Stevens reiterated her comments to the public for those who were concerned.

**BOARD
DISCUSSION
6:31 pm**

None

**MAIN MOTION
TO ADOPT F.O.F.
(FACT)
6:31 pm**

Lake made a motion, seconded by Schlegel, to adopt staff report FZC-18-03 as findings of fact.

**BOARD
DISCUSSION
6:31 pm**

None

**ROLL CALL TO
ADOPT F.O.F.
(FACT)
6:31 pm**

Motion was passed unanimously on a roll call vote.

**MAIN MOTION
TO
RECOMMEND
APPROVAL
6:32 pm**

Nogal made a motion, seconded by Lake, to recommended approval of FZC-18-03 to the Board of County Commissioners.

**BOARD
DISCUSSION
6:32 pm**

None

**ROLL CALL TO
RECOMMEND
APPROVAL
(FZC-18-03)
6:33 pm**

Motion was passed unanimously on a roll call vote.

**JOHNSON ZONE
CHANGE
(FZC-18-04)
6:34 pm**

A zone change request from Marquardt Surveying on behalf of Thelma M. Johnson for properties located at 1096 Stillwater Road near Kalispell, MT in the Westside Zoning District. The proposal would change the zoning on three parcels containing approximately 120 acres from *SAG-5 (Suburban Agricultural)* to *R-1 (Suburban Residential)*.

**STAFF REPORT
6:35 pm**

Nielsen reviewed staff report FZC-18-04 for the board.

**BOARD
QUESTIONS
6:37 pm**

Stevens asked some questions of the staff regarding the zoning in the area.

**APPLICANT
PRESENTATION
6:38 pm**

Kevin Nelson, 201 3rd Ave W., represented his client and said he was in agreement with the staff report. He said the client wanted to change the zoning because he wanted to slowly develop the property but there were no plans currently in place. He addressed the City of Kalispell, noting his clients do not want to annex into the city.

**BOARD
QUESTIONS
6:39 pm**

None

**AGENCY
COMMENTS
6:39 pm**

None

**PUBLIC
COMMENT
6:40 pm**

Brent Johnson, 1096 Stillwater Rd., was the applicant and explained that he felt like the zone change gave him a little more options down the road.

**APPLICANT
REBUTTAL/
COMMENTS
6:41 pm**

None

**BOARD
DISCUSSION
6:42 pm**

Schlegel questioned the staff on whether the property fell within the West Valley Neighborhood Plan but within the Westside Zoning District. Neilsen said that it was no longer in the West Valley overlay.

Stevens wanted it on the record that he thought the City of Kalispell comment was moot because they could theoretically split the property and hinder the development of the west side sewer interceptor with the current zoning. He agreed that it did not promote affordable housing but did not think it needed to provide affordable housing.

**MAIN MOTION
TO ADOPT F.O.F.
(FACT)
6:51 pm**

Schlegel made a motion, seconded by Nogal, to adopt staff report FZC-18-04 as findings of fact.

**BOARD
DISCUSSION
6:52 pm**

None

**ROLL CALL TO
ADOPT F.O.F.
(FACT)
6:52 pm**

Motion was passed on a roll call vote.

**BOARD
DISCUSSION
6:52 pm**

None

**MAIN MOTION
TO
RECOMMEND
APPROVAL
6:53 pm**

Lake made a motion, seconded by Nogal, to recommended approval of FZC-18-04 to the Board of County Commissioners.

**BOARD
DISCUSSION
6:53 pm**

None

**ROLL CALL TO
RECOMMEND
APPROVAL
(FZC-18-04)
6:53 pm**

Motion was passed unanimously on a roll call vote.

**HELENA
CROSSING
PRELIMINARY
PLAT
(FPP-18-01)
6:54 pm**

A request from Breckenridge Surveying and Mapping, on behalf of Helena Crossing, LLC and Stephen Leonard, for preliminary plat approval of Helena Crossing, a proposal to create 57 residential lots on two parcels containing 30.28 acres. Each lot would be served by Evergreen Water & Sewer District.

**STAFF REPORT
6:55 pm**

Mack reviewed staff report FPP-18-01 for the board.

**BOARD
QUESTIONS
7:01 pm**

Stevens referred to the map and questioned how the landowner could even put in a bike path. Mack said that the bike path was conditioned along the subdivision. Stevens wondered if the board had ever required the construction of a bike path and not just an easement. Nielsen referenced a subdivision where it had been required.

**APPLICANT
PRESENTATION
7:03 pm**

Rick Breckenridge, 2302 Hwy 2 E, represented his client and talked about previous subdivisions that had been approved at this location with higher density. He discussed the wetlands delineation and drainage plan. He also discussed Finding of Fact # 4 and #19 and said the developer did not have room for a bike path, over where the previous subdivision was located. He discussed the Evergreen Water and Sewer connection and the need to circle water back to the cabin. White Birch Lane extension was never built and they were acquiring an easement for the benefit of future development for water and sewer.

**BOARD
QUESTIONS
7:11 pm**

Nogal addressed the concerns received regarding White Birch Lane. Breckenridge said that it was an emergency access/exit; they were not planning on building a large road. He said they had an easement just big enough that there would be room for future development.

Stevens asked if Breckenridge had any recommendations for condition #20 regarding the bike path. Stevens was concerned that traffic would increase if further developed to the north. Breckenridge said they did not object to constructing a bike path on phase one as a condition and an easement for the rest of the subdivision.

**AGENCY
COMMENTS
7:17 pm**

None

**PUBLIC
COMMENT
7:17 pm**

Don Decker, 310 White Birch Lane, spoke in opposition of the application. He was concerned about traffic. He also said that the proposed park was a swamp. He felt like the subdivision needed to be reevaluated and requested there be larger lot sizes.

Stephen Leonard, 345 Helena Flats Rd., said that the wetland in question was drainage from the road and that it dried out in August. He also mentioned he had not given an easement for the utilities in the north end. He said that the waterline would go next to his garage. He felt like those things needed to be addressed.

Jack Beaver, 1820 Airport Rd., spoke in opposition of the application. His main concern was the connecting road to White Birch Lane. He felt like the appropriate thing to do, if they needed the second access, was to bring it back through the subdivision.

Jerry Fletcher, 310 Helena Flats Rd., was a neighbor as well as a landlord and said he did not object to affordable housing being put in. He said that he felt like the road was not, in fact, adequate enough. He felt it was already dangerous. He agreed that a bike path would be needed and was an important detail because there was no bussing system in place for the elementary school.

Frances Auger, 330 White Birch Ln., spoke in opposition of the application. She was concerned about the wetlands and what it would do to them.

Judy Barkley, 320 White Birch Ln, spoke in opposition of the application. She was concerned about the traffic increase and the density. She said that even with the bike path it would still be dangerous.

Mary Hemming, 310 Helena Flats Rd., spoke in opposition of the application. Her concerns were the traffic safety and the safety of families as they walked on the road.

Vince Conklin, 340 White Birch Ln, spoke in opposition of the application. He was concerned about the garbage that was going to end up on his property as well as the increase of noise.

Libby Snook, 502 Maple Drive, was concerned about the safety of the kids as they walk along the road. She felt like there was a strong need for a bike path. She was also concerned about how it would affect the schools.

**APPLICANT
REBUTTAL/
COMMENTS
7:32 pm**

Breckenridge said that the concerns were valid and had been addressed in the previous applications of the subdivision. He said that they were proposing ½ the density that was proposed earlier. The road of concern was for emergency access only. He said he would check the water access but he would look at it again and move it if needed. He could not address the Evergreen School but said that what was looked at in 2010 and had been approved, they were proposing ½ of that. He said they hadn't done a good job explaining everything but he wanted to have a discussion or dialogue to discuss the concerns. In the meantime, he said that they were going to do their part with the bike path. He said the end goal was to get everyone off the road and they

would do their part to do so.

Schlegel had questions regarding the fire egress road and wondered if they had looked at going out through the other lot, which would appease the people. Breckenridge discussed the options that they had looked at; wanting to minimize the impact of point. It was the option that the owner had without interfering with the other owners in the area.

Stevens wondered if Breckenridge would respond to the public comment regarding the water line easement to the north. Breckenridge said that when the property was bought, it included an easement for the waterline. He said that he would work with Leonard to move it to an agreeable location.

Stevens questioned the wetland lots and Breckenridge said they had mapped it according to the recommendations in the study. He discussed in detail some of the restrictions that they took in to consideration.

**STAFF
REBUTTAL/
COMMENTS**
7:41 pm

None

**BOARD
DISCUSSION**
7:42 pm

None

**MAIN MOTION
TO ADOPT F.O.F.
(FACT)**
7:42 pm

Nogal made a motion, seconded by Schlegel, to adopt staff report FPP-18-01 as findings of fact.

**BOARD
DISCUSSION**
7:42 pm

None

**ROLL CALL TO
ADOPT F.O.F.
(FACT)**
7:43 pm

Motion was passed on a roll call vote.

**MAIN MOTION
TO
RECOMMEND
APPROVAL**
7:43 pm

Schlegel made a motion, seconded by Lake, to recommended approval of FPP-18-01 to the Board of County Commissioners.

**BOARD
DISCUSSION
7:44 pm**

Nogal wondered if the emergency access could be conditioned so that the road would be identified as an emergency access only, not a thru way. Stevens asked if the staff had any recommendations to control the access except in emergency situations (i.e. chain it, gate it, or signs). Mussman said that chains were not necessarily successful and they could start off with signage. He felt like that wasn't an onerous request. Schlegel wanted to verify that it was a safety egress for everyone, not just for emergency vehicles. Schlegel was also concerned about the safety return and asked if that would also benefit people who were concerned about White Birch in the case of an emergency.

**MOTION TO
AMMEND
CONDITION #20
7:49 PM**

Schlegel made a motion, seconded by Nogal, to amend Condition #20.

**BOARD
DISCUSSION
7:49 PM**

There was discussion on the wording of the amendment. It was decided it would be worded:

A bike/pedestrian path separated from the roadway shall be constructed south of the proposed Helena Crossing Road the length of the subdivision on the east side of Helena Flats Road. [Section 4.7.20 FCSR]

**ROLL CALL TO
AMEND
CONDITION #20
7:53 pm**

Motion was passed on a roll call vote.

**BOARD
DISCUSSION
7:54 pm**

They discussed how they needed to add Condition #25. It was decided it would be worded:

The developer shall place signage on both sides of the emergency access stating for emergency use only.

**MOTION TO ADD
CONDITION #25
7:53 PM**

Nogal made a motion, seconded by Schlegel, to add Condition #25 as worded.

**BOARD
DISCUSSION
7:54 pm**

None

**ROLL CALL TO
ADD CONDITION
#25
7:54 pm**

Motion was passed on a roll call vote.

**BOARD
DISCUSSION
7:55 PM
MOTION TO
AMMEND
CONDITION #18
7:56 pm**

Mack requested the board revisited condition #18, which the applicant had requested be changed to a 20' easement and not a 10'.

Schlegel motion, seconded by Nogal, to amend condition #18 to read:
An additional 20 ~~10~~ foot easement shall be shown on the face of the final plat for the entire length of the subdivision along the east side of Helena Flats Road.

**BOARD
DISCUSSION
7:56 pm**

None

**ROLL CALL TO
AMMEND
CONDITION #18
7:56 PM**

Motion was passed on a roll call vote.

**BOARD
DISCUSSION
7:57 PM**

Schlegel voiced he understood the concerns brought up tonight but he was having a hard time saying no because it had been approved times before. He hoped that the developer and the neighbors could work something out.

Stevens said that he could not recommend a denial based on the finding of facts that were already approved. He said that he understood the concern of safety on the road and they were valid. He said that they were not only valid concerns on Helena Flats road but a number of county roads. He said that he did not have a Finding of Fact to stop him from sending a favorable recommendation to the commissioners.

**ROLL CALL TO
RECOMMEND
APPROVAL
(FPP-18-01)
8:01 pm**

Motion was passed unanimously on a roll call vote.

**MEETING
BREAK
8:01 pm**

**RED ELK &
WARNOW ZONE
CHANGE
(FZC-18-06)
8:12 pm**

A zone change request by Gary Vincent Red Elk and Shannon M Wartnow, for property located at 1181 Addison Trail in Kalispell, MT, in the Evergreen Zoning District. The proposal would change the zoning on a parcel containing approximately 29.7 acres from *SAG-10 (Suburban Agricultural)* to *SAG-5 (Suburban Agricultural)*.

STAFF REPORT <i>8:12 pm</i>	Mack reviewed staff report FZC-18-06 for the board.
BOARD QUESTIONS <i>8:15 pm</i>	None
APPLICANT PRESENTATION <i>8:15 pm</i>	<u>Gary Vincent Red Elk</u> , 1181 Addison Trail, recently purchased the property and discovered that 30 acres was too much to maintain. He would like to sell the 3 acres in the front and use the finances to renovate the existing home.
AGENCY COMMENTS <i>8:17 pm</i>	None
PUBLIC COMMENT <i>8:17 pm</i>	<p><u>Ken Welch</u>, 1145 Justin Lane, spoke in opposition of the application. He discussed the history of property and was concerned he hadn't seen any CCRs. He wanted to protect their property.</p> <p>Stevens commented that the board could not make any restrictions on any zone changes and that those concerns would need to be brought up during a subdivision review.</p> <p><u>Connie Blasdel</u>, 1044 Addison Trail, spoke in opposition of the application and was concerned about the easement, which she had record of. She was concerned about the road and said it was not feasible for adding more traffic. She was also concerned about the wetlands that were full of water and she said that there were three of them that had water rights to the water through DNRC. She was also concerned about what would be allowed on the property.</p>
APPLICANT REBUTTAL/ COMMENTS <i>8:30 pm</i>	Red Elk said that it was a single lane gravel road. He understood that if they were to do this then they would go on to the subdivision process and would invest the money to do that. He said that he didn't know what was allowed on SAG5 but his intention was single family dwelling units. He said they could make an access off of Addison Square and they would still have their 3 acres process. He said if it went to the subdivision process they would let their neighbors know what they were planning on doing.
STAFF REBUTTAL/ COMMENTS <i>8:34 pm</i>	Mack addressed some of the mentioned concerns and said that you could get 5 total lots on 29 acres. He also mentioned that manufactured homes were allowed on SAG-5 and SAG-10, both class A and class B. The staff report identified the access as <i>currently</i> being on Addison Trail. He said, in agreement with the applicant, that they could do another access.

MAIN MOTION TO ADOPT F.O.F. (FACT) 8:35 pm	Schlegel made a motion, seconded by Lake, to adopt staff report FZC-18-06 as findings of fact.
BOARD DISCUSSION 8:36 pm	None
ROLL CALL TO ADOPT F.O.F. (FACT) 8:36 pm	Motion was passed on a roll call vote.
BOARD DISCUSSION 8:36 pm	None
MAIN MOTION TO RECOMMEND APPROVAL 8:36pm	Lake made a motion, seconded by Nogal, to recommended approval of FZC-18-06 to the Board of County Commissioners.
BOARD DISCUSSION 8:37 pm	Stevens wanted to reiterate that many of the concerns would be addressed during a subdivision review.
ROLL CALL TO RECOMMEND APPROVAL (FZC-18-06) 8:38pm	Motion was passed unanimously on a roll call vote.
BRASH SUBDIVISION (FPP-18-04) 8:39 pm	A request from Tim Birk with technical assistance from Marquardt Surveying for preliminary plat approval of Brash Subdivision, a proposal to create eight (8) residential lots containing approximately 13 acres, to be served by four (4) shared wells and individual septic systems.
STAFF REPORT 8:39 pm	Ezell reviewed staff report FPP-18-04 for the board. ,
BOARD QUESTIONS 8:44 pm	Nogal questioned what the public comment was <i>really</i> about. Ezell said it was due to the wetlands. At the end of the day, it would have to meet DEQ standards, which it currently did. Nogal also questioned if the property used to

be a gravel pit and Ezell replied that it had been.

**APPLICANT
PRESENTATION**
8:45 pm

Kevin Nelson with Marquardt Surveying, 201 3rd Ave W., represented the applicant and said they were in agreement with the staff report. He said that many of the public comments that were brought up would be addressed in the subdivision process. He encouraged them to come up and ask questions if they had any.

**BOARD
QUESTIONS**
8:46 pm

None

**AGENCY
COMMENTS**
8:46 pm

None

**PUBLIC
COMMENT**
8:47 pm

Tim Birk, 2239 Lower Valley Rd., said that when he bought the property it was a gravel pit but they never used it for that. They were now trying to pursue other avenues for the property.

Robert Burgi, 350 Dunwoody Lane, spoke in opposition of the application. He gave a history of the land and the road, explaining that they also had a road association to help maintain it yearly. He was concerned about the possible deterioration of the road. He requested that there be covenants that required they be a part of the road association.

Chuck Burgi, 340 Dunwoody Lane, spoke in opposition of the application. He was unsure of what the subdivisions plans were and felt like the neighbors did not have much time to respond. He hoped the new property would be developed like the older properties and wanted to see that there were covenants in place. He asked the board if mobile homes would be allowed.

Staff responded that the property was unzoned and there was potential for that but also noted there were drafted CC&Rs which prohibit them.

Burgi said that he would like more time to find out what the developers were planning and come back to the board to work together. He also asked if the new road was going to be adequate for fire equipment. He felt like the whole process was being rushed.

Brad Roberts, 300 Dunwoody Lane, spoke in opposition of the application. He disagreed with the Findings of Fact regarding the road and said the road was not able to handle the additional traffic. He was also concerned that his property value would go down. He said nobody was really opposed to them subdividing but he would like to see lots 5, 6, 7, and 8 be divided into two 1 acre lots instead. He said the houses would utilize Dunwoody Lane and the

road would not be able to handle it. He was also concerned about the wells and septic systems being put in. He agreed that the process was being rushed and the file needed to be put on hold to figure out the issues.

Ken Bauska, 335 Dunwoody Lane, spoke in opposition of the application. He said the plat had errors on it where wells weren't marked and were located wrong. He mentioned the hillside dropped down and septic tanks ran down to the shallow wells. He also questioned how the driveway was going to get to Lot 4. He felt like the neighbors were blindsided and wanted more time to discuss things with the owner's and the developer.

Jim Trepina, 946 Trumble Creek Rd., said the state requires 1 acre per septic system and the lots were not all at least 1 acre.

**APPLICANT
REBUTTAL/
COMMENTS
9:08 pm**

Bo Carpenter, 620 Fir Terrace, said he had hired environmental consultants to help with the septic and wells and Marquardt Surveying to design and subdivision roads. The area already had a variety of manufactured homes. He explained the intention for roads and driveways.

Nelson said there should not be any issue because they had hired an engineer. He wanted to reiterate to the public, regarding the issue of the septic and wells, that the applicants were subject to strict DEQ requirements.

Stevens addressed the public and informed them that if a subdivision did not meet requirements then they would not be able to continue. He said that DEQ had control on this. He also discussed the question of acreage vs. septic systems. Nelson did clarify that it would be shared well systems.

Schlegel asked that Nelson address the easement concern that was brought up. Nelson said that it was required to have it in place. He also believed that the subdivision would be included in the road association.

Horn asked Nelson to address the question regarding the paving. Nelson said that they were following the standard formula set in the subdivision regulations.

**STAFF
REBUTTAL/
COMMENTS
9:14 pm**

None

**MAIN MOTION
TO ADOPT F.O.F.
(FACT)
9:14 pm**

Schlegel made a motion, seconded by Nogal, to adopt staff report FPP-18-04 as findings of fact.

**BOARD
DISCUSSION
9:14 pm**

None

**ROLL CALL TO
ADOPT F.O.F.
(FACT)
9:15 pm**

Motion was passed on a roll call vote.

**MAIN MOTION
TO
RECOMMEND
APPROVAL
9:15 pm**

Nogal made a motion, seconded by Schlegel, to recommended approval of FPP-18-04 to the Board of County Commissioners.

**BOARD
DISCUSSION
9:15 pm**

Nogal made known that there were a lot of agencies that had to sign off on the subdivision and she did not feel like it was over.

Schlegel mentioned to the public that this was also going to go to the County Commissioners, so for those who felt like they did not get enough time, they could do their homework and take it to the County Commissioners.

**ROLL CALL TO
RECOMMEND
APPROVAL
(FPP-18-04)
9:18 pm**

Motion passed unanimously on a roll call vote.

**MEETING
BREAK
9:19 pm**

**BOARD
DISCUSSION
9:22 pm**

Stevens addressed the public before beginning the next agenda item. There were still a lot of people in attendance so he wanted to set a few ground rules, including a time limit for each testimony during public comment.

**W. EVERGREEN
ESTATES
(FPP-18-02)
9:24 pm**

A request from Michael V. Seaman and Garry D. Seaman for preliminary plat approval of West Evergreen Estates, a manufactured home park that will include 122 spaces within the Evergreen Zoning District, zoned *R-4 (Two Family Residential)*. The property is located immediately west of West Evergreen School and contains approximately 33 acres. The applicants are requesting preliminary plat approval of West Evergreen Estates, a two phased manufactured home park reviewed under 'Subdivision for Lease or Rent' that will connect to Evergreen Water & Sewer.

STAFF REPORT
9:25 pm

Valade reviewed staff report FPP-18-02 for the board.

**BOARD
QUESTIONS**
9:34 pm

None

**MEETING
BREAK**
9:35 pm

Break to review the public comments

**APPLICANT
PRESENTATION**
9:46 PM

Eric Mulcahy, 2 Village Loop, represented the applicant and discussed the zone change that occurred over a year ago. He said that they had listened to the public at the zone change hearings and they were trying to create a development that was sensitive to the neighborhood. He also said that the development would provide homes that were needed in the area. He acknowledged that the area had been developed rurally and there were not bike or pedestrian paths. They would be developing a bike path along the parameters of the development. They worked with the school to grant an easement. He discussed at length the access through the property. He said that one of the biggest issues they ran in to was traffic. They hired a traffic engineer and did his study in October of last year. Mulcahy said that there were no recommendations to increase or widen the roads except on at the intersection of Whitefish Stage and West Evergreen but that was already a pre-existing problem. Mulcahy said that he did not try to maximize the density on the development. He said the southern lots were 10,000' or greater. He said that the BOA had recommended a condition that they put a greenbelt as a buffer, which they agreed to. He also said that people had testified that they wanted larger lots on the southern border.

**BOARD
QUESTIONS**
9:56 pm

None

**AGENCY
COMMENTS**
9:56 pm

None

**PUBLIC
COMMENT**
9:56 pm

Derick Vandeberg, 3083 Sweetgrass Ln., spoke in opposition of the application. He felt that the process had been flawed from the beginning. He said that the County Commissioners had granted a zone change despite overwhelming opposition. They were told that they would have the opportunity to comment and affect change down the road. He was frustrated that they have heard this over and over again. He referenced a recent comment made by Judge Robert Allison, in regards to the Egan Slough zoning dispute, as saying, "It is an abuse of discretion to consider the property rights

of one landowner to the exclusion of the other landowners and the county overall.” He stated that they have expressed time and time again their concerns and have been unheard. He said the traffic study was flawed and that they had underestimated the train traffic and suggested that maybe the mill was closed at that time. He also said there was no mention of the Glacier Rail Park that was in development stages. He said that the BOA contradicted what the Commissioners said when they said their hands were tied because all the qualifications had been met. He was concerned about their property value being lowered. He said that he did not object to manufacturing housing but he did object to having a property like Seaman’s, on Highway 2, in their backyard.

Melissa Treat, 89 W Evergreen Dr., spoke in opposition of the application. She lived right across the street from the proposed subdivision and was very concerned about the traffic and the possible overcrowding of the school. She voiced she did not want another entrance, for non-residence traffic, to have access to the school. She was also concerned about wildlife. She said she was all for affordable housing, however, she disapproved of the location due to the low maintenance roads. She was also concerned about density and possible rise of crime rates.

Ian Wargo, 3095 Sweetgrass Lane, spoke in opposition of the application. He also quoted Judge Allison, as mentioned before. His main concern was that their property value was going to go down. He also discussed the tax concern and shared some statistics that he produced for the board. He was also very concerned that there was no condition on the age of the manufactured homes.

Jesse Davenport, 119 W. Evergreen Dr., spoke in opposition of the application. His main concern was the traffic and discussed in great detail what he said were discrepancies in the traffic report vs. the Flathead County Development Code Subdivision Regulations.

Chancy Jeschke, 85 W. Evergreen Dr., spoke in opposition of the application. He was in agreement with what had been shared prior. His main concern was W. Evergreen road because it was already unsafe. He asked that the board take in to consideration how it was going to affect the neighborhood.

Rebekah Wargo, 3095 Sweetgrass Lane, spoke in opposition of the application. She was in disagreement with the traffic study and noticed a few things that concerned her about the data that was in it. She felt like it was a safe assumption that these homes would be filled with families and the added trips [in the report] during peak hours did not make sense. She also added that she felt the buffer that the BOA wanted to add was very important. She asked that the request for conditions needed to be addressed.

Lance Vitt, 180 River Road, spoke in opposition of the application. He did

not appreciate the view that he would have. He also was concerned about the path that was going to be created and said it would be fine for junior high but the elementary school did not have a bussing system and it was further away. He was also concerned about the possible crime rate increasing with lower income housing going in. He asked that the board consider that the homes in the area were owner occupied and he felt like it should stay that way.

Duane Goule, 41 W. Evergreen Dr., spoke in opposition of the application. He said that they were being inundated with mobile homes. He perceived there were already a lot of mobiles homes in Evergreen and they didn't need more. He felt their community was being destroyed. He also expressed concern of the traffic safety on W. Evergreen Drive. He also said that 5 acres of the open space was wetland so it could not be developed.

Stephanie Evans, 1919 Bluestone, spoke in favor of the application. She grew up in Evergreen in a mobile home. She said that there was a need for affordable housing. She said that you cannot find homes for less than \$250,000. It was hard for people to get out there and get started. She said she was an escrow officer and she has seen a need for this.

Daryl Teets, 3143 Sweetgrass Ln., spoke in opposition of the application. He was in agreement with the previous concerns that had been shared. He said there was more development currently happening in the area and he was concerned that it was only going to clog up the road even more. He was also concerned about property value decreasing.

Sonia Richnow, 621 Shadow Lane, spoke in opposition of the application. She did not live near the area but had friends that did. She said that she could speak to the needs of affordable housing and felt this was not the way to go about it. She voiced concern that renters would not take care of their homes like a home owner would. She also felt like the traffic study did not address the spring and summer sports that took place near the development.

Ken Duran, 146 Westwood Lane, spoke in opposition of the application. He was in agreement with what had been shared and had a few other things to point out. He wondered if the path would be lit up to help the kids when they were trying to get to school in the dark (i.e. winter time). He also said he did not have a problem with affordable housing but what he felt it should be affordable to buy, not rent.

Virginia Feiker, 3179 Sweetgrass Ln., spoke in opposition of the application. She was concerned about her property value going down.

Merill Feiker, 3179 Sweetgrass Ln., spoke in opposition of the application. He referenced a piece he saw in the news regarding what mobile trailer parks did to communities and said it was like a third world country. He said he was

in agreement with all the other comments.

Pat Doyle, 18 Queens Court, spoke in opposition of the application. His concerns involved his taxes going up. He said he had lived near mobile homes before and paid 3 times the amount of taxes then they do. He said with the increase of children, the school would want a levy, and it would increase his taxes. He said that it was the perfect place for a subdivision but not for a mobile home park.

Gail Duran, 146 Westwood Lane, spoke in opposition of the application. She was concerned about emergency vehicles being able to get through with the traffic congestion. She was also concerned about the train traffic and congestion.

John Henson, 118 Westwood Lane, spoke in opposition of the application. He felt the traffic study was inaccurate and the traffic was very unsafe. He was in agreement with everything else that was shared but he felt like the traffic was a safety issue.

Robin Treat, 89 W. Evergreen Dr., spoke in opposition of the application. He was in agreement with the other concerns shared. He was also concerned with losing property value due to the mobile home park being renter occupied and he was concerned about the snow removal and the possibility of it flooding him out of his property.

Chris Hall, 115 W. Evergreen Dr., spoke in opposition of the application. He was in agreement with what had been voiced. As a realtor, he said he had already seen the affect it has had on the nearby property values. He was concerned that his value would go down but his taxes would go up. Increase of crime was also a concern of his. He said that he spoke with a law enforcement officer that implied mobile home parks generate more crime because of the density and low income. He felt like it was not the right spot for this development. He said that the property owner had other properties that he could do this to. He questioned how this could be passed when so many people are against it.

Maryann Wilkerson, 219 River Place, spoke in opposition of the application. She felt the density was overkill for the area. She said that they did not need renter occupied homes over buyer occupied. She asked that the board would hear the people and work with them.

Dawn McMaster, 3215 Sweetgrass Lane, spoke in opposition of the application. She discussed the broken glass theory and reviewed an article describing it. Her main concern was the possible crime increase. She felt like they were going to be forced to flee the neighborhood. She felt that the Seaman properties were a junkyard and was concerned about how this

property was going to be managed. She said that she grew up in a mobile home but it was taken care of and stated that was not typically the case for most mobile home parks. She was concerned that the broken glass theory would occur in their neighborhood.

Coleen Jukich, 31 W. Evergreen Dr., spoke in opposition of the application. She was concerned about the traffic safety. She hears screeching wheels constantly, she said that traffic was all over the place, and a lady had been hit a few years ago. She said that people drive in between the trees because people did not want to wait to turn left. She said the traffic was horrendous.

Libby Snook, 502 Maple Dr., spoke in opposition of the application. Her concern was crime. She said that she had lived in a trailer court and her children had witnessed drug deals take place there. She said the cops would not do anything about the drugs or speeding because it was private property. She was in agreement with everything that had been shared and said she understood that rentals were just as important but piling everyone on top of each other was not a good idea. She felt like it was a bad situation. She felt like the traffic safety was already an issue already.

Brian Farrell, 3077 Sweetgrass Lane, spoke in opposition of the application. He felt like a large visual boundary fence, like the one on Stillwater, was needed. He wondered if there were any covenants and/or rules in place and how they would be enforced.

Sherry Sheme, 3238 Sweetgrass Lane, spoke in opposition of the application. She was in agreement with everything that had been said. She wondered if all the homes had to be purchased by Seaman. She questioned what restrictions were going to be in place. She said that, even when you are renting a lot, there was not a sense of ownership.

Marsha Debuff, 3033 Sweetgrass Ln., spoke in opposition of the application. She was in agreement with what had been shared. She disapproved of the view that she would have.

Joe McMaster, 3215 Sweetgrass Lane, spoke in opposition of the application. He was concerned that the proposed access on the southern lots would allow “anything else” to come in to their neighborhood.

**APPLICANT
REBUTTAL/
COMMENTS
10:53 pm**

Mulcahy wanted to clarify a few things. He said that the intention would be that an owner would buy a mobile home and rent a space. He also showed that there was a large space for an onsite manager who would also be in charge of enforcing the park rules. He said that no matter where you put a mobile home park it would be in somebody’s backyard and nobody would like that. One of the arguments that he saw for this site was that it was on public access, public sewer and water, it does have the infrastructure, and it is close to schools.

Horn asked about the possibility of the mobile homes being on permanent foundations. Mulcahy said that the park rules stated that they would skirt the trailer so it looked like it was set. This was because the next trailer to be placed in that spot may not fit in the previous foundation. He said that it did not work in a development that had lots for rent.

Stevens wondered about the traffic impact study and the possible discrepancy of the regulations. Mulcahy went over the trip data that engineers typically used.

Stevens also asked about the age of the mobile homes that would be deposited in to the park. Mulcahy said that the topic had been discussed but Seaman would have to answer that question.

Schlegel questioned the snow removal and the plan that they had in place. Mulcahy said that they had 8 acres that they planned on using. He said that W. Evergreen created a dike that directed the flow the water to the drainage area they had on their open space. He said it should not affect the neighboring property.

Schlegel also brought up the concern of density. Mulcahy said that the zoning allowed 12 units per acre and they were at 3. Schlegel wondered if they could cut it back a bit.

Schlegel wondered if they had thought about putting up a fence so that it wouldn't be an eyesore. He understood where the concerns were coming from. Mulcahy said that the BOA put a condition for a 4' fence on the north side and 3' green belt. He said on the south side of the green belt is 6' vinyl fencing. He said it would be difficult to put a fence right on a property line next to somebody else's fence and maintain it. The Evergreen School was requiring a 5' fence along their property line, primarily to guide the kids to the asphalt path. They had not considered other fencing and he explained the near-by topography.

**STAFF
REBUTTAL/
COMMENTS
11:05 pm**

Valade followed up with R-4 zoning fence height requirements. Mussman said that they could not require a higher fence than what zoning allows.

**BOARD
DISCUSSION
11:06 pm**

Stevens said that he appreciated the written comments and that they were well-articulated. He addressed the fear that had been driven up by this proposal and previous subdivision proposals and said that people would be surprised by how the outcome really ends up. He also said that he had worked for department of revenue in real estate appraisal and property values were based on the utility of the property. He said that he was leery of the claim of

reduced property value based on what goes in across the road but he understood the fear of the value going down and the fear of the traffic. He also said that the school had been asked for their input and did not indicate there would be a problem. The County Road Department did not object to it. They had to listen to the agencies too and not just the public. It was a juggling act. He felt the most impressive witness tonight was the one who spoke in approval of affordable housing. He said there were also a couple hundred people who were not here to testify who would actually benefit from having a home there. He was not advocating for them but he was aware of them. He said there was an affordable housing shortage in this area. He discussed how, in some instances, land use regulations had been used to “keep the haves as the haves and the have-nots as the have-nots”.

Schlegel felt like they should do another traffic study. He felt like it would be a good tool to help the neighbors and the developer to come together.

Stevens asked Mussman if it was possible to do another traffic study report with the time constraints for application approval. Mussman said that if it was between being conditioned to do another traffic study report or a denial then he was sure the applicant would do it. It would be a better time to do it now instead of passing it along to the Commissioners. Stevens wasn't sure a new traffic study would show a reduction level of service. Mussman said that they relied on the traffic engineers but most of the testimony heard tonight implicated that a different traffic study would result in different results.

Schlegel wondered if the applicant would be willing to do another traffic report. Michael Seaman got up and said that, as a driver, there were other options to get around some of the congestion. He preferred not to do another traffic study. Stevens said that almost 1/3 of that traffic goes different ways so the impact would actually be split in 3 different ways.

Stevens also wanted to discuss putting an age limitation on the homes and felt like it merited discussion. He understood that there was a fear that Seaman was going to move his “junk pile” to Evergreen Drive and Stevens felt like if there was an age limit put on that might eliminate some of the fear. Schlegel wondered what age he was thinking. Stevens wanted a board discussion about the topic. Mussman said it could be problematic to put a year limitation, not knowing when final plat would occur.

Stevens felt like the main concern was that people did not want old rebuilt, aluminum roofed and sided, homes being put in. Mussman said that he was not familiar with the park rules regulating the appearance of the park. Stevens brought up that the park rules state that they can be changed whenever they wanted to. Schlegel felt that they should condition that they couldn't do that. Mussman said that prohibiting any changes of the park rules would be problematic and they discussed how they could possibly address the issue.

Stevens then reviewed some of the board's concerns and discussion.

**MAIN MOTION
TO ADOPT F.O.F.
(FACT)**

11:39 pm

Lake made a motion, seconded by Nogal, to adopt staff report FPP-18-02 as findings of fact.

**BOARD
DISCUSSION**

11:39 pm

None

**ROLL CALL TO
ADOPT F.O.F.
(FACT)**

11:40 pm

Motion was passed on a roll call vote.

**MAIN MOTION
TO
RECOMMEND
APPROVAL**

11:41 pm

Schlegel made a motion, seconded by Lake, to recommended approval of FPP-18-02 to the Board of County Commissioners.

**BOARD
DISCUSSION**

11:41 pm

They discussed the amendments and conditions they wanted to implement, which included the age of the mobile home and park rules. Stevens and Mussman discussed back and forth how to implement a condition regarding an age of a mobile home that could be placed on a lot.

**MOTION TO ADD
CONDITION #21**

11:44 pm

Schlegel motioned, seconded by Nogal, to add condition #21 worded as followed:

No manufactured home shall be placed which is older than 10 years of the date of the signing of the initial lease of the individual space.

**BOARD
DISCUSSION**

11:44 pm

Lake wondered if the condition would be grandfathered in and discussed that with the staff.

**ROLL CALL TO
ADD CONDITION
#21**

11:44 pm

Motion was passed unanimously on a roll call vote.

**BOARD
DISCUSSION
11:44 pm**

There was discussion about wanting to make a condition to amend the park rules. They questioned whether or not the park owner could change the rules when they wanted, as stated in the rules, without consulting with the Planning and Zoning regulations. There was discussion about the pros and cons of regulating that. Stevens mentioned that it should be addressed at the conditional use permit stage of the application. They discussed in detail if they should try to implement a restriction or how to go about it. They decided not to motion for an amendment.

Stevens said that he was always concerned with affordable housing and that affordable housing did not always have to be owned. He said it was one of the growth policy's primary concerns and he always looked for ways to do that. He understood the concerns of safety, crime, traffic, etc. and said a lot of fear was at its highest before an application. He said the concerns were valid but said he did not find any valid health or safety concerns that were out of the ordinary in Flathead County, which was what he needed to recommend a denial for a property owner. He discussed in great length his view on property rights.

Nogal wondered if it was the best they could do for that community. She did not want to saddle Evergreen with a stereo-typical trailer park for affordable housing. She said she put herself into their shoes and she would not want to live by it. She was opposed to the density with single wide homes as opposed to larger lots with double-wides. She understood the need for affordable housing, and wasn't turning it in to a class statement about trailer parks, but she was not impressed with the proposal. She felt like it could have been more of an asset to the neighborhood if done differently. The only reputation she knew of the company was what she saw on Highway 2 and that was not a good reference that this neighborhood would be any different. She had been frustrated since last year when the zone change went through.

Horn said that he was in agreement that there was a need for affordable housing in the valley. He said that no matter where this development was placed there would be the same issues. He wondered if there could be some type of recreational activity placed in the park space.

**ROLL CALL TO
RECOMMEND
APPROVAL
(FPP-18-02)
12:01 am**

Motion did not pass on a 3-3 roll call vote. Schlegel, Nogal, and Thompson dissented. No recommendation could be made at this time.

**OLD BUSINESS
12:03 pm**

None

NEW BUSINESS
12:03 pm

Mussman said that Zoning Regulation Amendments were slated for June 2018

MEETING
ADJOURNED
12:04 pm

Nogal motioned and meeting was adjourned by quorum.
The next meeting will be held May 9, 2018.



Greg Stevens, Vice-Chairman



Angela Phillips, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 5 / 9 / 2018